

COUNTY COUNCIL
OF
HARFORD COUNTY, MARYLAND

Bill No. 04-08 As Amended

Introduced by: Council President Wagner and Members Guthrie, Cassilly, Slutzky and Stepp

Legislative Day No. 04-08 Date: March 2, 2004

AN ACT to repeal and reenact, with amendments, Subsection B (2)(a), Schools, of Section 267-104, Adequate public facilities, of Article XXI, Public Facilities, of Part 6, Growth Management, of Chapter 267, Zoning, of County Council Bill 03-37, as amended, as enacted by the Council on October 7, 2003; to provide for a change in adequacy standards for schools; to provide that the new adequacy standards adopted under this Act shall remain in effect until June 30, 2007, and on that date the adequacy standards shall revert to the standards that were in effect prior to the adoption of this Act; and generally relating to adequate public facilities.

By the Council, March 2, 2004

Introduced, read first time, ordered posted and public hearing scheduled

on: April 6, 2004

at: 7:00 p.m.

By order: Barbara J. Ruth, Council Administrator

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on April 13, 2004, and concluded on April 13, 2004.

Barbara J. Ruth, Council Administrator

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [BRACKETS] indicate matter Deleted from existing law. Underlining indicates Language added to bill by amendment. Language Lined through indicates matter stricken out of Bill By amendment.

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As Amended

Section 1. Be It Enacted By The County Council of Harford County, Maryland, That Subsection B(2)(a), Schools, of Section 267-104, Adequate public facilities, of Article XXI, Public Facilities, of Part 6, Growth Management, of Chapter 267, Zoning, of County Council Bill 03-37, as amended, as enacted by the Council on October 7, 2003, be, and it is hereby, repealed and reenacted, with amendments, to read as follows:

Chapter 267. Zoning.

Part 6. Growth Management.

Article XXI. Public Facilities.

Section 267-104. Adequate public facilities.

B. Adequacy standards (minimum acceptable level of service).

(2) Residential development. Approval of residential subdivision plans and site plans for multi-family development shall be subject to findings of adequate capacity based on the standards set in this subsection, and the current and projected use level described in the annual growth report:

(a) Schools

(1) Preliminary approval. Preliminary subdivision plans exceeding five lots and site plans for multi-family residential developments exceeding five dwelling units shall not be approved at locations where either of the following conditions exists:

(a) The enrollment at the elementary school which serves the site is greater than [115%] 105% of the rated capacity, or is projected to be greater than [115%] 105% within ~~5~~ 3 years; or

(b) The enrollment of either the middle school or high school which serves the site is greater than [115%] 105% of the rated capacity or is projected to be greater than [115%] 105% within ~~5~~ 3 years.

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1 (2) Conditional review. If paragraphs (2)(a)(1)(a) or (b)
2 of this subsection prevent approval of a preliminary subdivision
3 plan or a site plan, the Department of Planning and Zoning may
4 proceed with conditional review of the plan and place it on a
5 waiting list arranged by date of completion of the review. Record
6 plats, grading permits, and public works agreements for utilities or
7 roads shall not be executed by the county until the plan for the
8 project is removed from the waiting list and preliminary approval
9 is granted. Removal from the waiting list shall occur only when
10 the condition that prevented approval under Paragraphs (2)(a)(1)(a)
11 or (b) of this subsection no longer exists.

12 (3) Exemptions. The provisions of this subsection shall not
13 apply to transient housing, housing for the elderly and
14 continuing care retirement communities.

15 (4) Grandfathering. The provisions of this section concerning
16 the adequacy of schools shall not apply to those
17 developments which, as of the effective date of Bill No. 91-
18 71 (4/6/92), have an approved preliminary plan.

19 ~~Section 2. And Be It Further Enacted, That this Act shall take effect 60~~
20 ~~calendar days from the date it becomes law.~~ Section 2. And Be it Further Enacted, That
21 Subsection B(2)(a), Schools, of Section 267-104, Adequate public facilities, of Article
22 XXI, Public Facilities, of Part 6, Growth Management, of Chapter 267, Zoning, shall
23 read as follows:
24 Chapter 267. Zoning.
25 Part 6. Growth Management.

1 Article XXI. Public Facilities.

2 Section 267-104. Adequate public facilities.

3 B. Adequacy standards (minimum acceptable level of service).

4 (2) Residential development. Approval of residential subdivision plans and site plans
5 for multi-family development shall be subject to findings of adequate capacity based on
6 the standards set in this subsection, and the current and projected use level described in
7 the annual growth report:

8 (a) Schools

9 (1) Preliminary approval. Preliminary subdivision plans exceeding
10 five lots and site plans for multi-family residential developments
11 exceeding five dwelling units shall not be approved at locations where
12 either of the following conditions exists:

13 (a) The enrollment at the elementary school which serves the site is
14 greater than 115% of the rated capacity, or is projected to be greater than
15 115% within 5 years; or

16 (b) The enrollment of either the middle school or high school which
17 serves the site is greater than 115% of the rated capacity or is projected to
18 be greater than 115% within 5 years.

19 (2) Conditional review. If paragraphs (2)(a)(1)(a) or (b) of this
20 subsection prevent approval of a preliminary subdivision plan or a site
21 plan, the Department of Planning and Zoning may proceed with
22 conditional review of the plan and place it on a waiting list arranged by
23 date of completion of the review. Record plats, grading permits, and

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1 public works agreements for utilities or roads shall not be executed by the
2 county until the plan for the project is removed from the waiting list and
3 preliminary approval is granted. Removal from the waiting list shall
4 occur only when the condition that prevented approval under Paragraphs
5 (2)(a)(1)(a) or (b) of this subsection no longer exists.

6 (3) Exemptions. The provisions of this subsection shall not apply to
7 transient housing, housing for the elderly and continuing care retirement
8 communities.

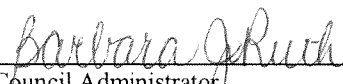
9 (4) Grandfathering. The provisions of this section concerning the
10 adequacy of schools shall not apply to those developments which, as of
11 the effective date of Bill No. 91-71 (4/6/92), have an approved
12 preliminary plan.

13 Section 3. And Be It Further Enacted, that section 1 of this Act shall take effect 60
14 calendar days from the date it becomes law and shall remain in effect until June 30,
15 2007.

16 Section 4. And Be It Further Enacted, that section 2 of this act shall take effect at that
17 time when section 1 of this act no longer has any force or effect.

EFFECTIVE: July 6, 2004

The Council Administrator does hereby
certify that fifteen (15) copies of this Bill are
immediately available for distribution to the
public and the press.



Council Administrator

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HARFORD COUNTY BILL NO. 04-08 As Amended

Brief Title Adequate Public Facilities- Adequacy Standards

is herewith submitted to the County Council of Harford County for enrollment as being the text as finally passed.

CERTIFIED TRUE AND CORRECT

Barbara J. Ruth
Council Administrator

ENROLLED

Robert S. Wagner
Council President

Date April 13, 2004

Date April 13, 2004

BY THE COUNCIL

Read the third time.

Passed: LSD 04-12

Failed of Passage: _____

By Order

Barbara J. Ruth
Council Administrator

Sealed with the County Seal and presented to the County Executive for approval this 14th day of April, 2004 at 3:00 p.m.

Barbara J. Ruth
Council Administrator



BY THE EXECUTIVE

COUNTY EXECUTIVE

APPROVED: Date _____

BY THE COUNCIL

This Bill No. 04-08 As Amended, having received neither the approval nor the disapproval of the Executive within twenty-one (21) calendar days of its presentation becomes law on May 5, 2004.

EFFECTIVE DATE: July 6, 2004

Barbara J. Ruth
Barbara J. Ruth, Council Administrator

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